



Appeal Decision

Site visit made on 21 May 2024 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2024

Appeal Ref: APP/K1128/W/23/3334322

1 Old School House Cottage, Bickleigh, Plymouth PL6 7AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Turner against the decision of South Hams District Council.
 - The application Ref is 1575/23/FUL.
 - The development proposed is described as 'proposed erection of replacement dwelling.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. There are six main issues. These are: a) the principle of the proposed development with specific regard to its location; b) its effect on the character and appearance of the area; c) whether or not the proposal would respond acceptably to housing need; d) the effect of the scheme on protected species; e) whether or not the proposed development would provide suitable drainage; and f) whether or not the proposal would provide sufficient opportunities for low carbon design.

Reasons for the Recommendation

The Principle of Development

4. In the true sense of the word the proposed dwelling is not 'replacing' an existing one. The appeal scheme seeks to erect a dwelling in favour of not implementing an extant planning permission for the conversion of one dwelling into two and thus resulting in the same outcome – a net gain of one dwelling. The appellant has offered a Unilateral Undertaking (UU) to not implement planning permission 3486/21/FUL. However, I remain to be convinced that a UU would achieve its objectives and specifically whether it would bind future owners. In any case, I do not have a completed UU before me. In this case therefore, it follows to consider the principle of the appeal scheme as the erection of a dwelling in its own right.
5. Paragraph 109 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations, and its

overall aim is to reduce the reliance on the private car as a mode of transport. The appeal site is well separated from the nearest settlement that would both provide services on which future occupiers would rely day to day and address the Framework's objectives in this regard.

6. There is a segregated footway leading to a bus stop on the A386 which may link the appeal site to Woolwell and Plymouth beyond, and I understand a hail service is available. I have not however been provided with details of the frequency of either service so cannot be sure it would be sufficient to rely upon. The distance between the appeal site and the bus stop is significant, the route is unlit and narrow in places and directly adjacent a carriageway carrying vehicles at the national speed limit. It does not therefore strike me as suitable for all, particularly anyone visually impaired, physically disabled or parents with small children.
7. The footway carries on in the opposite direction towards Bickleigh; however, it is still unlit and very rural. Further, I have not been provided with any details of what services might be available there. With this and the above in mind, it would be highly likely that future occupiers of the proposed dwelling would access services by private car. This is the least sustainable travel option.
8. In the context of the Plymouth and South West Devon Joint Local Plan 2014-2034 (the Local Plan) the proposal would be a dwelling in the countryside located away from services and would contribute to the encouragement of unsustainable development patterns. Consequently, I am not satisfied that the appeal site is a suitable location for housing. The proposed development would therefore conflict with Policies TTV26, TTV1, SPT1 and SPT2 of the Local Plan and the relevant paragraphs of the Framework, insofar as they seek to achieve sustainable patterns of development.

Character and Appearance

9. The appeal site is a well screened residential garden in amongst other built development. It is in a rural area but related obviously to an existing cluster of built form. The proposal is for a well-proportioned and overall modest single storey dwelling in sympathetic materials which would, as a result of this and the above, sit well in its context whilst maintaining a soft transition to the agricultural land beyond. The formation of a new access and parking would break through and remove some front boundary but, it would only provide glimpses of the development and be for a single residential use only. As such the proposal would be compliant with Policies DEV20, DEV23 and TTV29 of the Local Plan and Policies Bick01, Bick07 and Bick11 of the Bickleigh Neighbourhood Plan 2016-2034 (BNP), insofar as they regard character and appearance.

Housing Need

10. The Local Plan supports the creation of sustainable, inclusive and mixed communities which have reasonable access to local services such as neighbourhood shops, health and wellbeing services and community facilities. Furthermore, there is support for a mix of housing sizes, types and tenure appropriate to the area. The evidence from the Council appears to suggest a lack of provision of small dwellings and an over provision of larger properties locally that are under occupied. Taking the appellant's proposal on face value, the appeal scheme would 'replace' a small dwelling with another small dwelling.

If it were not such, then it would still provide a small dwelling, in response to the evidenced under supply. In either of these circumstances, the proposal would have the capability to comply with Policy DEV8 of the Local Plan, the aims of which are reflected above.

Protected Species

11. Taking a precautionary approach given the rural location of the proposal, the demolition of outbuildings and felling of parts of the hedgerow, it is possible that protected species could be affected. The lack of any surveys to these effects means that I cannot be certain that there would be no harm arising. I cannot suggest a condition to overcome this issue as mitigation may be required. Mitigation that might affect, fundamentally or otherwise, the appeal scheme's design, location or method of construction. Consequently, the proposal would be contrary to Policy DEV26 of the Local Plan, insofar as it seeks to conserve and enhance biodiversity.

Drainage

12. The proposal would connect to an existing foul drainage system for the Old School. Whilst I understand the appellant may have the right to do so, I cannot be certain, without further details of capability or capacity of the facilities, that it is a workable solution. The proposal would therefore not appear to provide suitable drainage. It would thus be contrary to Policy DEV35 of the Local Plan insofar as it seeks to confirm that sewage facilities can accommodate the new development, amongst other things.

Low Carbon Design

13. Policy DEV32 advocates, amongst other things, reduction of the energy load, maximising energy efficiency and the use of renewable energy. The appellant's evidence alludes to a number of measures that they would use in the construction of the appeal scheme to address these aspirations. To ensure they are provided, a suitably worded condition could be imposed. Consequently, the proposal could be made acceptable in regards of Policy DEV32. The aims of which I have set out.

Other Matters

14. I acknowledge the need to provide a solution to the mobility requirements of the intended occupier(s) of the dwelling but cannot see any compelling evidence as to why such a need has to be met by a dwelling in the location proposed. The same would be the case in response to a stated need for accommodation for a young and working family which is growing. I therefore ascribe these matters limited weight.
15. In regard to appeal decision APP/Q1153/W/15/3131710, I have only seen the Inspector's decision. I do not have any plans showing me the appeal site in that case but from the Inspector's decision it seems to abut the outside of the settlement limit for Tavistock. I understand this is a sizable settlement with which the appeal site had existing and potential future reliable sustainable transport linkages. Its circumstances thus differ significantly from the appeal site before me. My recommendation does not therefore change in its light.
16. The appeal site would be in reasonably close proximity to a scheme which the appellant refers to as being for, amongst other things, up to 1,640 new

dwellings. The evidence refers to Policy PLY44 and that all matters except access are reserved. The appellant's evidence shows a plan overlay of the proposed development, but no details of the policy referred to. There is no decision notice nor confirmation the site is part of an adopted allocation. In the case of the former, I am unclear as to whether therefore there is an extant planning permission. At the time of writing, and with this ambiguity in mind, I can only conclude that this development is some way off coming forwards and, as such, I would afford it only limited weight. Such that my conclusions on the principle of the proposed development would be unaffected.

17. Paragraph 83 of the Framework promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. I note the appellant's points regarding the economic benefits that the proposed development would potentially provide. The appeal scheme would however provide one dwelling and subsequently its associated benefits would be limited to the point it would not outweigh the accessibility issues that I have set out. That said, such an argument would cease to have any direct relevance if the scheme were to be a 'replacement'. There is also nothing compelling for me to disagree with the appellant that the appeal site is previously developed land and laudable though such an approach to using it for development might be, it would not overcome the problems with its location.

Conclusion and Recommendation

18. I have found no harm in regard to main issues 2, 3 and 6 but these would be, along with some policy compliance, a lack of harm and thus neutral matters. They would not therefore be capable of outweighing the harms and subsequent development plan conflict that I have found in regard to the other main issues. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

19. The appeal site is within the Zone of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries Special Area of Conservation and Tamar Estuaries Complex Special Protection Area). Under the Habitat Regulations, I am required to first ascertain whether the appeal scheme would likely give rise to, in isolation and along with other plans or projects, significant harm to the integrity of such sites. As a scheme that would involve an increase in the local population, there may be a propensity therefore to use these sites for recreational purposes and thus some form of mitigation may be required to address any such effects. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter further.
20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR